IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3737 OF 2006

Namdev Kashinath Alam Applicant
versus
State of Maharashtra Respondent

Mr.Rajendra Desai i/by Sunil Kale for applicant.
Mr.S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th October 2006

PC :

1. Heard Shri Desai appearing for applicant. The applicant apprehends arrest in CR No.150 of 2006 registered at Murbad Police Station, District Thane alleging offences punishable under sections 306, 504, 323 r/w 34 of IPC..

2. The applicant is the brother-in-law of the deceased. The statement of the father of deceased Surekha alleges that as far as applicant is concerned, although he was residing separately, he was instigating the husband of the deceased so also her in-laws and this is how they assaulted her.

3. The application for anticipatory bail has been rejected by observing that no details are forth coming with regard to the prosecution story.

4. Shri Desai points out that the brothers of the petitioner were arrested but they have been enlarged on bail. The above fact is not disputed by the learned APP..

5. In these circumstances and when the custodial interrogation is not required so also he being otherwise available for interrogation as well as trial, the application deserves to be considered. Hence, following order.

6. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.I-150 of 2006 registered with Murbad Police Station, District Thane, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- (Rs.Five thousand only) with one or two local sureties in the like sum;

(ii) The bail is granted subject to condition that the applicant will attend Murbad Police Station, District Thane as and when summoned;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief;

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)